



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

August 16, 2021

VIA EMAILED PDF

Ramy Ali, Principal
RAM DESIGN LLC
100 M Street SE, Suite 600
Washington, DC 20003

Re: 4234 Benning Road NE – Lot 70, Square 5087

Dear Mr. Ali,

This letter will confirm the substance of the PDRM held with my staff on February 25, 2021. As presented during the meeting, the subject property is currently a record lot improved with a single-family detached dwelling located in the RA-1 Zone.

The Project proposes convert the existing single family detached dwelling into an eight (8) unit apartment building. This conversion will be treated as a “New Residential Development” under Section U-421.1 which requires Special Exception relief from the Board of Zoning Adjustment [BZA]. There will be vertical and horizontal additions to the existing building which is to be retained with 59% of the existing building’s exterior walls, so as not to be considered as a “Zoning Raze”. **Therefore, this would allow the existing eight (8) foot western side yard to be treated as an existing non-conforming condition.**

The Project will have three stories plus a cellar, along with a habitable penthouse in compliance with Subtitle C Section 1500 Penthouse General Regulations, and Sections F-204.1 and F-303.2 of the Residential Apartment Zone provisions.

PENTHOUSE AND INCLUSIONARY ZONING

Since the proposed project comprises of less than ten (10) dwelling units it is not subject to the Mandatory Inclusionary Zoning [IZ] provisions under Section C-1001.2(a). However, the development of a habitable penthouse triggers an affordable housing requirement under Section C-1500.11. That requirement is being satisfied through a contribution to a housing production trust fund as per Section C-1505.12.

A 12 foot penthouse is proposed and is setback from the edge of the roof by 12 feet or more from all exterior walls. Although not a part of the PDRM meeting, you later raised a secondary issue concerning the measurement of penthouse height for the setback requirement from all exterior walls of the building upon which the penthouse is proposed.

It is my determination that maximum penthouse height is to be measured based on the main roof elevation upon which each side sits, provided that such roof level shall not differ by one story or more.

PARKING

The proposed project, of eight (8) dwelling units would require one (1) off-street parking space under Section C-701.5. Although there is an existing curb cut and parking space on the property, you have informed me that DDOT is requiring you to close the existing curb cut and therefore preventing putting the parking space on the lot. Therefore, you will be seeking Special Exception relief from providing one (1) parking space from the BZA.

Applicable Zoning Analysis

Criteria	DCMR Reference	Allow./Req.	Provided
FAR- Max:	11 DCMR F-302.1	0.9	0.9
Bldg. Height	11 DCMR D-303.1	40 feet	35 feet
Bldg. Stories	11 DCMR D-303.1	3 stories	3 + cellar
Lot Occ.	11 DCMR D-304.1	40% Max	31%
Front Yard	No Requirement	N/A	
Rear Yard	11 DCMR F-305	20 feet Min.	32.76 feet
Side Yard- E	11 DCMR F-306.2(a)	8.75 feet	12 feet
Side Yard- W	11 DCMR F-306.2(a)	8 feet	8 feet [Non-Conforming]
GAR – Min.	11 DCMR F-307.1	0.4	0.4 [thru green roof, landscaping]

I have reviewed the attached Plan Set inclusive of all plans, elevations and building sections along with the building plat summarizing Zoning data and concur that the project complies with the applicable Zoning Regulations for the RA-1 Zone, **except that you will need Special Exception relief as a New Residential Development under Section U-421.1, and from providing required off-street parking under Section C-701.5, as described above.**

Accordingly, when the building permit is filed for, I will approve the consistent with the above presented zoning criteria and compliance information, assuming you receive BZA approval for the requested relief. Please let me know if you have any further questions.

Sincerely, Matthew Le Grant
Matthew LeGrant
Zoning Administrator

Attachments – Building Plat dated 4-20-21
Architectural Concept Design Package

Zoning Technician: Jeannette Anderson

DISCLAIMER: This letter is issued in reliance upon, and therefore limited to, the questions asked, and the documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a "final writing", as used in Section Y-302.5 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), nor a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations, but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter based on the information submitted for the Zoning Administrator's review. Therefore this letter does **NOT** vest an application for zoning or other DCRA approval process (including any vesting provisions established under the Zoning Regulations unless specified otherwise therein), which may only occur as part of the review of an application submitted to DCRA.

File: Det Let re 4234 Benning Rd NE to Ali 8-17-21